REMARKS

By the present amendment, claim 2 has been amended for purposes of clarity. Claim 2 as drafted appears to restrict the oxidizing agent to the performed peracid compound whereas claim 3, which depends from claim 2, adds an activator to the oxidizing agent. Thus, the amendment to claim 2 merely clarifies the scope of claim 2. It is does not raise any new issues that would require a further search.

In the Office Action mailed January 29, 2003, all of the claims have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Miracle et al. U.S. Patent No. 5,576,282 and further in view of the Ligman U.S. Patent No. 5,555,595 or Sham U.S. Patent No. 5,386,612 for the reasons set forth in the Office Action filed 11/13/2002 (sic). It is believed that the Examiner meant the Office Action mailed August 14, 2002. There is no Office Action "filed 11/13/2002." The rejection is respectfully traversed.

The Miracle et al. '282, Ligman '595 and Sham '612 patents are discussed in the response mailed November 13, 2002, and this discussion is incorporated herein by reference.

The alleged combination of Miracle et al. '282, Ligman '595 or Sham '612 is traversed for the same reasons as set forth in the Response filed August 14, 2002, which reasons are incorporated herein by reference.

In addition, it is believed that the Miracle et al. '282 patent would be unsuitable for use in either the Ligman '595 or Sham '612 extractors because the Miracle et al. '282 composition contains a substantial amount of a bleach booster in the nature of heavy surfactants that would leave a substantial amount of the cleaning solution in the carpet. The results would be a significant resoil problem.

The Miracle et al. '282 composition is designed for use in a washing machine where there is a significant amount of rinsing to remove the heavy detergents. An extractor typically lays down the cleaning composition in one stroke (for example a forward movement of the extractor) and removes the solution in a second stroke (backstroke) there is no significant rinsing and scrubbing of the carpet to remove the detergent. Thus, the detergent composition must be formulated in a way so that it cleans the carpet, dissolves the dirt and organic stains and can be

removed in a single pass or two with the extraction. There is no rinsing cycle in the extractors and thus substantially all of the detergent must be removed. Failure to remove the detergent results in immediate resoiling of the carpet, especially where there are stains and heavy soil.

This phenomenon is explained in the enclosed Declaration of Jesse Williams under 37 C.F.R. § 1.132. Mr. Williams, a co-inventor in this application, explains the chemistry of extraction cleaning machines and explains why the Miracle et al. '282 bleaching composition would be inappropriate in either of the Ligman '595 or Sham '612 extractors.

Applicants point out to the Examiner once again the incidental nature of the disclosure in Miracle et al. '282 of the use of the Miracle et al. bleaching compositions in "carpet shampoos". There is no enabling disclosure of how the Miracle et al. '282 bleaching composition can be used in "carpet shampoos". Nor is there any disclosure in Miracle et al. '282 of a method for cleaning a carpet with the use of the Miracle et al. '282 bleaching composition. There is ample disclosure in Miracle et al. '282 of the use of the Miracle et al. '282 bleaching compositions in laundry washing machines for which the composition is designed.

Also enclosed herewith is a Declaration of Kelli Cain, an employee of BISSELL Homecare, Inc., Assignee of the present application, under 37 C.F.R. § 1.132. In this Declaration, Ms. Cain attests to the commercial success of Applicants' invention. Although Applicants' Assignee was the first company to sell an oxidizing agent for use in its extraction machines, others soon followed with the result that a significant amount of commercial success was attained. Although Applicant's Assignee had little or no advertising relating to this use, others entered the market and advertised the use of an oxidizing agent with detergents for general purpose, including carpet cleaning solutions. All of this evidence is persuasive that Applicants' invention was not obvious. It is evidence of the commercial success of Applicants' invention as a secondary factor in the *Graham vs. John Deere* test for obviousness under 35 U.S.C. § 1.103(a). Applicants believe that under the prevailing law of *Graham vs. John Deere, supra* as well as *Ecolochem Inc. vs. Southern California Edison Co.*, 227 F.3d. 1361; 56 USPQ2d 1065 (Federal Circuit 2002), Applicants' claimed invention is not obvious and the alleged combination of references is inappropriate.

Even if the alleged combination were to be made, however untenably, it would not meet Applicants' invention. The alleged combination of references would at best teach the use of the Miracle et al. '282 bleaching composition in a carpet cleaning solution that is used in the extractors of either Ligman '575 or Sham '612 references. The claimed invention relates to a method of cleaning an upholstery or carpet surface including the step of admixing an oxidizing agent with a cleaning solution prior to the step of dispensing the cleaning solution into the upholstery or carpet surface. This step is not disclosed in the alleged combination of references.

Further, claims 8, 14, and 18 are dependent on claim 1 and call for the admixture to be mixed with heated air to heat the admixture and the step of heating the air before the step of mixing the admixture with heated air. This concept is not disclosed in the alleged combination of references.

Still further, claims 11, 17, and 21 depend from claim 1 and further call for the step of heating the cleaning solution before the admixing step to heat the admixture. This concept is not disclosed in the alleged combination of references.

In view of the foregoing, it is apparent that claims 1-28 patentably distinguish over the alleged combination of Miracle et al. '282 patent, either alone or in combination with Sham '612 or Ligman '595 patents. Withdrawal of the rejection of claims 1-28 is respectfully requested.

In view of the foregoing remarks and amendments, it is submitted that all of the claims in this application are in condition for allowance. Early notification of allowability is respectfully requested.

Respectfully submitted,

Eric J. Hansen and Jesse J. Williams

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By: _____

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